

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ESTATE OF DEREK WILLIAMS JR., et al.,

Plaintiffs,

Judge J.P. Stadtmueller

v.

Case No.: 16-cv-869

CITY OF MILWAUKEE, et al.,

Defendants.

DECLARATION OF BEN H. ELSON

I, Ben H. Elson, under penalty of perjury, declare and state that:

1. I am an attorney licensed to practice in the State of Illinois and admitted to practice in the in the United States District Court for the Eastern District of Wisconsin.
2. Attached and labeled as Exhibit 1 hereto is a true and correct copy of the Declaration of Sharday Rose.
3. Attached and labeled as Exhibit 2 hereto is a true and correct copy of excerpts of Sharday Rose Inquest Testimony.
4. Attached and labeled as Exhibit 3 hereto is a true and correct copy of excerpts of Sharday Rose Deposition.
5. Attached and labeled as Exhibit 4 hereto is a true and correct copy of excerpts of Zachary Thoms Deposition.
6. Attached and labeled as Exhibit 5 hereto is a true and correct copy of excerpts of Craig Thimm Inquest Testimony.

7. Attached and labeled as Exhibit 6 hereto is a true and correct copy of excerpts of Jeffrey Cline Deposition.

8. Attached and labeled as Exhibit 7 hereto is a true and correct copy of excerpts of Jason Bleichwehl Deposition.

9. Attached and labeled as Exhibit 8 hereto is a true and correct copy of excerpts of Tyrone Mathis Inquest Testimony.

10. Attached and labeled as Exhibit 9 hereto is a true and correct copy of excerpts of Richard Ticcioni Deposition.

11. Attached and labeled as Exhibit 10 hereto is a true and correct copy of excerpts of Patrick Coe Deposition.

12. Attached and labeled as Exhibit 11 hereto is a true and correct copy of excerpts of Robert Thiel Deposition.

13. Attached and labeled as Exhibit 12 hereto is a true and correct copy of excerpts of Todd Kaul Deposition.

14. Attached and labeled as Exhibit 13 hereto is a true and correct copy of excerpts of Craig Thimm Deposition.

15. Attached and labeled as Exhibit 14 hereto is a true and correct copy of Detective O'Day Interview of Ticcioni.

16. Attached and labeled as Exhibit 15 hereto is a true and correct copy of excerpts of David Letteer Deposition.

17. Attached and labeled as Exhibit 16 hereto is a true and correct copy of excerpts of Luke O'Day Inquest Testimony.

18. Attached and labeled as Exhibit 17 hereto is a true and correct copy of Thiel Memo Book.
19. Attached and labeled as Exhibit 18 hereto is a true and correct copy of Detective McLin Interview of Thoms.
20. Attached and labeled as Exhibit 19 hereto is a true and correct copy of KSA Audio Recordings filed separately with the Court.
21. Attached and labeled as Exhibit 20 hereto is a true and correct copy of 9/28/12 Memo From Sgt. Kelly to Captain Rowe.
22. Attached and labeled as Exhibit 21 hereto is a true and correct copy of excerpts of Terrance Giles Inquest Testimony.
23. Attached and labeled as Exhibit 22 hereto is a true and correct copy of excerpts of Patrick Coe Inquest Testimony.
24. Attached and labeled as Exhibit 23 hereto is a true and correct copy of excerpts of Gregory Kuspa Deposition.
25. Attached and labeled as Exhibit 24 hereto is a true and correct copy of the Declaration of Teirra Giles.
26. Attached and labeled as Exhibit 25 hereto is a true and correct copy of the Declaration of Sharon Austin.
27. Attached and labeled as Exhibit 26 hereto is a true and correct copy of the CAD Report.
28. Attached and labeled as Exhibit 27 hereto is a true and correct copy of excerpts of Lachelle Brown Inquest Testimony.

29. Attached and labeled as Exhibit 28 hereto is a true and correct copy of Detective O'Day Memo Book.

30. Attached and labeled as Exhibit 29 hereto is a true and correct copy of Squad Car Video filed separately with the Court.

31. Attached and labeled as Exhibit 30 hereto is a true and correct copy of 10/4/12 Memo From Lt. Morales to Captain Rowe.

32. Attached and labeled as Exhibit 31 hereto is a true and correct copy of Consuelo Gonzalez Expert Report.

33. Attached and labeled as Exhibit 32 hereto is a true and correct copy of excerpts of 6/9/15 Jeffrey Cline Deposition.

34. Attached and labeled as Exhibit 33 hereto is a true and correct copy of excerpts of Chad Boyack Deposition.

35. Attached and labeled as Exhibit 34 hereto is a true and correct copy of excerpts of Lieutenant James Arps Inquest Testimony.

36. Attached and labeled as Exhibit 35 hereto is a true and correct copy of excerpts of Dr. Christopher Poulos Inquest Testimony.

37. Attached and labeled as Exhibit 36 hereto is a true and correct copy of 8/30/11 Autopsy Protocol.

38. Attached and labeled as Exhibit 37 hereto is a true and correct copy of excerpts of Dr. Brian Peterson Inquest Testimony.

39. Attached and labeled as Exhibit 38 hereto is a true and correct copy of 9/17/12 Autopsy Protocol.

40. Attached and labeled as Exhibit 39 hereto is a true and correct copy of excerpts of Dr. Brian Peterson Deposition.

41. Attached and labeled as Exhibit 40 hereto is a true and correct copy of excerpts of Dr. Alice Briones Inquest Testimony.

42. Attached and labeled as Exhibit 41 hereto is a true and correct copy of Dr. Alice Briones Case Consultation Report.

43. Attached and labeled as Exhibit 42 hereto is a true and correct copy of Dr. Trevonne Thompson Expert Report.

44. Attached and labeled as Exhibit 43 hereto is a true and correct copy of excerpts of Rupert Reilly Inquest Testimony.

45. Attached and labeled as Exhibit 44 hereto is a true and correct copy of MPD Police Reports Incident Number 102560219 (James Perry Death).

46. Attached and labeled as Exhibit 45 hereto is a true and correct copy of Meghan Dwyer and Stephen Davis, “‘Well, they sure screwed up here:’ Appeals judges grill Milwaukee police, sheriff about inmate death” <https://www.fox6now.com>.

47. Attached and labeled as Exhibit 46 hereto is a true and correct copy of excerpts of Edward Flynn Deposition.

48. Attached and labeled as Exhibit 47 hereto is a true and correct copy of Flynn Deposition Exhibit 1 (7/11/15 “Robbery Suspect dies in police custody”, Milwaukee Journal Sentinel).

49. Attached and labeled as Exhibit 48 hereto is a true and correct copy of Kaul Deposition Exhibit 2 (MPD SOP 090-Prisoners).

50. Attached and labeled as Exhibit 49 hereto is a true and correct copy of Detective Hensley Incident Report.

51. Attached and labeled as Exhibit 50 hereto is a true and correct copy of Flynn Deposition Exhibit 11 (9/23/13 MPD Memo Critical Incident Review 12-01).

52. Attached and labeled as Exhibit 51 hereto is a true and correct copy of Detective Sarenac Interview of Cline.

53. Attached and labeled as Exhibit 52 hereto is a true and correct copy of Detective O'Day Memo to John Franke.

54. Attached and labeled as Exhibit 53 hereto is a true and correct copy of PPD Investigative Memo.

55. Attached and labeled as Exhibit 54 hereto is a true and correct copy of Flynn Deposition Exhibit 2 (6/27/12 FPC Public Statement Regarding Williams Death).

56. Attached and labeled as Exhibit 55 hereto is a true and correct copy of Flynn Deposition Exhibit 3 (9/22/12 "Medical examiner revises suspect's death ruling to homicide", Milwaukee Journal Sentinel).

57. Attached and labeled as Exhibit 56 hereto is a true and correct copy of Flynn Deposition Exhibit 4 (9/26/12 "EXCLUSIVE: Chief Ed Flynn discusses Derek Williams' investigation", Fox 6 Now).

58. Attached and labeled as Exhibit 57 hereto is a true and correct copy of Flynn Deposition Exhibit 5 (9/26/12 MPD Memo Re: Medical Aid).

59. Attached and labeled as Exhibit 58 hereto is a true and correct copy of MPD Training Video filed separately with the Court.

60. Attached and labeled as Exhibit 59 hereto is a true and correct copy of Flynn Deposition Exhibit 6 (9/26/12 Email from Pamela Holmes).

61. Attached and labeled as Exhibit 60 hereto is a true and correct copy of Flynn Deposition Exhibit 7 (Transcript of 10/9/12 Press Conference Held by Chisholm and Flynn).

62. Attached and labeled as Group Exhibit 61 hereto is a true and correct copy of *State v. Vagnini*, 2012 CF 004984, Sentencing Hearing Transcript; *State v. Knight*, 2012 CF 004987, Sentencing Hearing Transcript; 6/13/13 Letter from Paul Martinez to Judge Jeffrey Wagner.

63. Attached and labeled as Exhibit 62 hereto is a true and correct copy of Flynn Deposition Exhibit 8 (10/9/12, “The public is understandably horrified”, Urban Milwaukee).

64. Attached and labeled as Exhibit 63 hereto is a true and correct copy of Flynn Deposition Exhibit 10 (Transcription of 10/18/12 FPC Board Audio Recording).

65. Attached and labeled as Exhibit 64 hereto is a true and correct copy of SOP 090 Prisoners, General Order 2013-19, Effective September 6, 2013.

66. Attached and labeled as Exhibit 65 hereto is a true and correct copy of “Promoting Police Accountability in Milwaukee: Strengthening the Fire and Police Commission,” (The Jerome Report”), by Richard Jerome, Police Assessment Resource Center, June 2006.

67. Attached and labeled as Exhibit 66 hereto is a true and correct copy of The Mayor’s Citizen Commission on Police Community Relations, “Psychological Screening of Police Candidates: Current Perspectives,” Journal of Police Science and Administration, Volume 15, No. 3, 1987.

68. Attached and labeled as Exhibit 67 hereto is a true and correct copy of excerpts of Nicole Belmore-Martinez Deposition.

69. Attached and labeled as Exhibit 68 hereto is a true and correct copy of Flynn Deposition Exhibit 15 (1/8/09 “Milwaukee Police Chief Reflects on First Year”, WUWM).

70. Attached and labeled as Exhibit 69 hereto is a true and correct copy of excerpts of 3/3/15 Nannette Hegerty Deposition.

71. Attached and labeled as Exhibit 70 hereto is a true and correct copy of Roger Clark Expert Report in *Hoskin v. City of Milwaukee*, Case No. 13-cv-920.

72. Attached and labeled as Exhibit 71 hereto is a true and correct copy of excerpts of 5/8/14 Zachary Thoms Deposition.

73. Attached and labeled as Exhibit 72 hereto is a true and correct copy of excerpts of 6/3/14 Edward Flynn Deposition.

74. Attached and labeled as Exhibit 73 hereto is a true and correct copy of Disciplinary History of Jason Mucha.

75. Attached and labeled as Exhibit 74 hereto is a true and correct copy of Gina Barton, “Forceful Impact,” Milwaukee Journal Sentinel, September 9, 2007.

76. Attached and labeled as Exhibit 75 hereto is a true and correct copy of excerpts of Jason Mucha Deposition.

77. Attached and labeled as Exhibit 76 hereto is a true and correct copy of excerpts of 6/25/14 Michael Brunson Deposition.

78. Attached and labeled as Exhibit 77 hereto is a true and correct copy of Roger Clark Expert Report.

79. Attached and labeled as Exhibit 78 hereto is a true and correct copy of excerpts of Terri Giles' Inquest Testimony.

This declaration is filed in support of Plaintiffs' Civil L.R. 56(b)(2)(B)(ii) Statement of Additional Facts in response to Defendants' Motion for Summary Judgment.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: May 24, 2017

s/ Ben H. Elson
One of Plaintiffs' Attorneys